

ORDINANCE NO. 95- 35

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA; RELATING TO HOURS OF SALE OF ALCOHOLIC BEVERAGES; PROVIDING FOR TITLE; PROVIDING FOR THE HOURS OF SALE OF ALCOHOLIC BEVERAGES; PROVIDING FOR PENALTIES; PROVIDING FOR REPEAL OF ORDINANCE NO. 75-18, 75-19, 75-23, AND 90-46, AND OTHER ORDINANCES IN CONFLICT; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN CODE; PROVIDING FOR EFFECTIVE DATE.

WHEREAS, Chapter 562.14(1), Florida Statutes, requires counties set the hours that alcoholic beverages may be sold, consumed, or served or permitted to be served or consumed in any place owning a liquor license under the Division of Beverages; and

WHEREAS, the Board of County Commissioners of Palm Beach County established hours of sale in Ordinance No. 75-18, as amended; and

WHEREAS, the Board of County Commissioners of Palm Beach County desires to repeal Ordinance 75-18, as amended, and enact a new ordinance to set hours for the sale, consumption, or serving of alcoholic beverages.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:

SECTION 1 - SHORT TITLE

This ordinance shall be known and cited in the future as the Palm Beach County Sale of Alcoholic Beverage Law.

SECTION 2 - HOURS OF SALE

1. No alcoholic beverages may be sold, consumed, served or permitted to be served or consumed in any place holding a license under the Division of Beverages in the unincorporated area of Palm Beach County, Florida except as follows:

A. In the unincorporated area lying east of range line between Ranges 39 and 40, and not included within the boundaries of any municipality; the following hours of

1 sale shall apply:

2 (1) Twelve (12) o'clock midnight to five
3 (5) o'clock a.m., and seven (7) o'clock a.m. to twelve (12)
4 o'clock midnight, Monday through Saturday;

5 (2) Twelve (12) o'clock midnight to five
6 (5) o'clock a.m. and twelve (12) o'clock noon to twelve (12)
7 o'clock midnight on Sunday.

8 B. In the unincorporated area lying west of
9 the range line between Ranges 39 and 40, and not included
10 within any boundaries of any municipality, the hours shall be
11 as follows:

12 (1) Twelve (12) o'clock midnight to three
13 (3) o'clock a.m. and seven (7) o'clock a.m. to twelve (12)
14 o'clock midnight, Monday through Saturday;

15 (2) Twelve (12) o'clock midnight to three
16 (3) o'clock a.m. and twelve (12) o'clock noon to twelve (12)
17 o'clock midnight on Sunday.

18 C. On New Year's Eve, December 31st, except
19 when December 31st falls on a Sunday, the hours shall be seven
20 (7) o'clock a.m. December 31st to seven (7) o'clock a.m.
21 January 1st. When December 31st falls on a Sunday, then the
22 hours shall be twelve (12) o'clock noon December 31st until
23 seven (7) o'clock a.m. January 1st.

24 SECTION 3 - PENALTIES FOR VIOLATION

25 Any violation of any of the provisions of this
26 ordinance, if not otherwise provided, shall be prosecuted as
27 a misdemeanor of the second degree and punished by a fine of
28 not more than \$500.00 and/or imprisonment in the County Jail
29 for not more than sixty (60) days. Each day or fraction
30 thereof the violation continues shall be considered as a
31 separate offense.

32 SECTION 4 - REPEAL OF LAWS IN CONFLICT

33 Ordinance Nos. 75-18, 75-19, 75-23 and 90-46 in
34 conflict herewith are hereby repealed to the extent of such
35 conflict, as are all other local ordinances in conflict with

1 any provision of this Ordinance to the extent of such
2 conflict.

3 SECTION 5 - SAVINGS CAUSE

4 The provisions of the repealed ordinances are
5 reenacted herein and shall continue in full force and effect
6 without interruption with such modifications as contained in
7 this Ordinance. This Ordinance is a continuation of the
8 former ordinances and all rights and liabilities under the
9 former ordinances are preserved and may be enforced.

10 SECTION 6 - SEVERABILITY

11 If any section, paragraph, sentence, clause, phrase,
12 or word of this Ordinance is for any reason held by the Court
13 to be unconstitutional, inoperative, or void, such holding
14 shall not affect the remainder of this Ordinance.

15 SECTION 7 - INCLUSION IN THE CODE OF LAWS AND ORDINANCES

16 The provisions of this Ordinance shall become and be
17 made a part of the code of laws and ordinances of Palm Beach
18 County Florida. The sections of this Ordinance may be
19 renumbered to relettered to accomplish such, and the word
20 "ordinance" may be changed to "section," "article," or any
21 other appropriate word.

22 SECTION 8 - EFFECTIVE DATE

23 The provisions of this Ordinance shall become
24 effective upon receipt of ~~acknowledgement~~ ^{att} by the Secretary of
25 State.

26 **APPROVED AND ADOPTED** by the Board of County Commissioners
27 of Palm Beach County, on the 19th day of September
28 1995.

29 PALM BEACH COUNTY, FLORIDA,
30 BY ITS BOARD OF COUNTY COMMISSIONERS

31 By [Signature]
32 Vice Chairman

33 **APPROVED AS TO FORM AND**
34 **LEGAL SUFFICIENCY**

35 [Signature]
36 COUNTY ATTORNEY

DOROTHY H. WILKEN, CLERK
Board of County Commissioners
By [Signature]
DEPUTY CLERK

1 Acknowledgement by the Department of State of the State
2 of Florida, on this, the 29th day of September,
3 19 95.

4 **EFFECTIVE DATE:** Acknowledgement ^{by} ~~from~~ the Department of
5 State received on the 29th day of September, 1995,
6 at 11/A.M. and filed in the Office of the
7 Clerk of the Board of County Commissioners of Palm Beach
8 County, Florida.

STATE OF FLORIDA, COUNTY OF PALM BEACH
I, DOROTHY H. WILKEN, ex-officio Clerk of the
Board of County Commissioners certify this to be a
true and correct copy of the original in my office
on 9/19/95

DATED at West Palm Beach, FL on 10/10/95.

DOROTHY H. WILKEN, Clerk

By: Phyllis A. House D.C.

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